

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 23, 2003
)	
Eugene A. Adams)	DOCKET NO.: 03F-146
Deputy Corporation Counsel)	
Office of the Corporation Counsel)	
5020 Kingle Street, NW)	
Washington, DC 20016)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Eugene A. Adams, Deputy Corporation Counsel, Office of the Corporation Counsel (OCC), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 11, 2003, and September 3, 2003, OCF ordered Eugene A. Adams (hereinafter respondent), to appear at scheduled hearings on August 22, 2003 and September 15, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 16, 2003, respondent appeared at the rescheduled hearing and testified that he, in fact, filed timely. Respondent stated that on May 15, 2003, he, and several other employees of his agency who are required to file, completed the Financial Disclosure Statement (FDS), had it notarized by an agency employee, and believed it had been delivered by another agency employee to OCF. By agreement of the parties,

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respondent stated he would deliver affidavits by Friday, September 19, 2003 from the OCC employees who notarized and delivered his FDS to OCF on May 15, 2003. Respondent further stated he has been employed by the District Government since June 1987. Respondent filed a fully executed Financial Disclosure Statement with OCF at the conclusion of the hearing. Respondent has not filed the referenced affidavits with OCF to date.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements with OCF in 2002 and 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on September 16, 2003.
4. Respondent asserted he filed timely on May 15, 2003, and that he would deliver affidavits from the OCC employees who notarized and delivered his FDS to OCF by Friday, September 19, 2003.
5. Due to the anticipated devastation of Hurricane Isabel, the District Government was closed on September 19, 2003.
6. Respondent has no history of prior filing delinquencies.
7. Respondent's explanation for the filing delinquency is credible in that certain government agencies assign the delivery of Financial Disclosure Statements to an employee of the agency on behalf of required FDS filers.
8. Respondent has not delivered the affidavits from the OCC employees to OCF to date.
9. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation of the filing delinquency, his filing of a current FDS, as well as his prior filing history, mitigate toward the imposition of a reduced fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$1,000.00 in this matter, with the provision that the fine be suspended upon delivery of the affidavits.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$1,000.00 be hereby imposed in this matter, with the provision that the fine be suspended upon delivery of the affidavits.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.